

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

LINDA EDGE,)	
Plaintiff,)	
)	
v.)	No. 05-10100 JLT
)	
BAYSTATE CONSTABLES, INC. d/b/a BAYSTATE)	
CONSTABLES, CONSTANCE SORENSON a/k/a)	
CONSTANCE CURRAN, JANE ROE and JOHN)	
DOES 1-10,)	
Defendants.)	

MOTION FOR ENTRY OF FINAL JUDGMENT

The Plaintiff, Linda Edge, pursuant to Fed. R. Civ. P. 55(a), moves this Court for entry of a final default judgment against Defendants Baystate Constables, Inc.(hereafter “Baystate”) and Constance Sorenson a/k/a Constance Curran (hereafter “Sorenson”) for failure to appear and plead.

In support of this motion, Plaintiff states as follows:

1. Plaintiff filed her Complaint on January 14, 2005. Plaintiff filed her Second Amended Complaint on June 23, 2005.
2. Defendant Baystate was served with Plaintiff’s Second Amended Complaint through its agent, Danielle DiTucci, by Constable Anthony J. Saia on June 26, 2005 at Baystate’s office. A copy of the constable’s certification and return of service is attached hereto as **Exhibit 1**.
3. Defendant Sorenson was served with Plaintiff’s Second Amended Complaint in hand by Constable Anthony J. Saia on June 26, 2005. A copy of the constable’s certification and return of service is attached hereto as **Exhibit 2**.
4. Defendants’ appearances and answers were due on July 18, 2005.

5. As of November 30, 2005, neither Defendant has filed an appearance in this action nor an answer to Plaintiff's Second Amended Complaint.

6. On July 29, 2005, Plaintiff filed her Third Amended Complaint, correcting a typographical error in paragraph 63 and amended the caption to more accurately describe Defendant Constance Sorenson by her other alias. Plaintiff's Third Amended Complaint did not assert any new or additional claims for relief against Defendants.

7. On November 8, 2005 the Court entered judgment against Defendants, pursuant to 15 U.S.C. § 1692k(a)(1) and M.G.L. ch. 93A § 9(3), for three times Plaintiff's actual damages; for an additional amount of \$1,000.00, pursuant to 15 U.S.C. § 1692k(a)(2)(A); for Plaintiff's costs, expenses and reasonable attorney's fees, pursuant to 15 U.S.C. § 1692k(a)(3) and M.G.L. ch. 93A § 9(4); and for her reasonable attorney's fees. A copy of that judgment is attached hereto as **Exhibit 3**.

8. Plaintiff requests that the Court void the previous judgment and enter the proposed final judgment attached hereto as **Exhibit 4**.

WHEREFORE, Plaintiff prays that this Court enter a final default judgment in her favor against both Defendants:

A. For \$10,845.00, which represents her actual damages of \$3,615.00, for Defendants' fraud and conversion and pursuant to 15 U.S.C. § 1692k(a)(1) and M.G.L. ch. 93A § 9(3), trebled pursuant to M.G.L. ch. 93A § 9(3);

B. For an additional amount of \$1,000.00 statutory damages, pursuant to 15 U.S.C. § 1692k(a)(2)(A); and

C. For her costs and expenses of \$220.98 and reasonable attorney's fees of \$6,207.50, pursuant to 15 U.S.C. § 1692k(a)(3) and M.G.L. ch. 93A § 9(4);

D. For such other relief as may be just and proper.

Respectfully submitted,

s/Yvonne W. Rosmarin

Yvonne W. Rosmarin BBO #566428

Law Office of Yvonne W. Rosmarin

58 Medford Street

Arlington, MA 02174

781-648-4040

AO 440 (Rev. 10/93) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and Complaint was made by me¹

DATE

NAME OF SERVER (PRINT)

June 26th 2005

ANTHONY J. SAIA

TITLE Constable, &
Disinterested Person

Check one box below to indicate appropriate method of service

- ☒ Served personally upon the defendant. Place where served: over 18 years old
Bay State Constable, s Inc. d/b/a Bay State Constables Time 12:10 p.m
6 Courthouse Lane/Entrance E
Room 12 2nd floor/Chelmsford,
☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____

☐ Returned unexecuted: _____

☐ Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL

11

SERVICES

20.00

TOTAL

20.00

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on June 26th 2005 Time 12:10 p.m Anthony J. Saia

Date

Signature of Server

27 Alcino Lane
Address of Server

Burlington Mass 01803

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

RETURN OF SERVICE

Service of the Summons and Complaint was made by me ¹	DATE June 26th 2005
NAME OF SERVER (PRINT) Anthony J. Saia	TITLE Constable
Check one box below to indicate appropriate method of service	
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: 6 Courthouse Lane/ Entrance E Defendant Constance Benson in Hand Room No. 12 2nd floor Time 2:15 p.m.	
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____	
<input type="checkbox"/> Returned unexecuted: _____	
<input type="checkbox"/> Other (specify): _____	

STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
11 Miles	35.00	35.00

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on June 26th 2005 Time 2:15 p.m. Anthony J. Saia
 Date Signature of Server

27 Alcino Llano
 Address of Server

Burlington, Mass 01803

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

LINDA EDGE,

Plaintiff,

v.

BAYSTATE CONSTABLES, INC. d/b/a BAYSTATE
CONSTABLES, CONSTANCE SORENSON a/k/a
CONSTANCE CURRAN, JANE ROE and JOHN
DOES 1-10,

Defendants.

No. 05-10100 JLT


PROPOSED JUDGMENT

This matter coming before the Court on the motion of Plaintiff for entry of a default judgment, pursuant to Fed. R. Civ. P. 55(a), against Defendants Baystate Constables, Inc. and Constance Sorenson a/k/a Constance Curran for failure to appear and plead,

1. Judgment is hereby entered for the Plaintiff and against Defendants Baystate Constables, Inc. and Constance Sorenson a/k/a Constance Curran, pursuant to 15 U.S.C. § 1692k(a)(1) and M.G.L. ch. 93A § 9(3), for three times Plaintiff's actual damages, an amount to be proven;

2. Judgment is hereby entered for the Plaintiff and against Defendants Baystate Constables, Inc. and Constance Sorenson a/k/a Constance Curran for an additional \$1,000.00, pursuant to 15 U.S.C. § 1692k(a)(2)(A);

3. Judgment is hereby entered for Plaintiff's costs, expenses and reasonable attorney's fees, pursuant to 15 U.S.C. § 1692k(a)(3) and M.G.L. ch. 93A § 9(4);

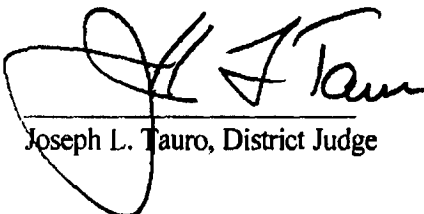
4. Pursuant to Fed. R. Civ. P. 54(d) Plaintiff shall submit her petition for fees and costs within 14 days of entry of a final judgment, after determination of the amount of her actual damages;

5. The Court will set a date for Plaintiff to prove up the amount of her actual damages by further order.

Dated: _____

11/8/05

Entered: _____


Joseph L. Tauro, District Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

LINDA EDGE,)	
Plaintiff,)	
)	
v.)	No. 05-10100 JLT
)	
BAYSTATE CONSTABLES, INC. d/b/a BAYSTATE)	
CONSTABLES, CONSTANCE SORENSON a/k/a)	
CONSTANCE CURRAN, JANE ROE and JOHN)	
DOES 1-10,)	
Defendants.)	

PROPOSED FINAL JUDGMENT

This matter coming before the Court on Plaintiff's amended motion for entry of a final judgment, pursuant to Fed. R. Civ. P. 55(a), against Defendants Baystate Constables, Inc. and Constance Sorenson a/k/a Constance Curran for failure to appear and plead,

Judgment is hereby entered for the Plaintiff and against Defendants Baystate Constables, Inc. and Constance Sorenson a/k/a Constance Curran in the amount of \$18,273.48, which represents her actual damages of \$3,615.00, for Defendants' fraud and conversion and pursuant to 15 U.S.C. § 1692k(a)(1) and M.G.L. ch. 93A § 9(3), trebled pursuant to M.G.L. ch. 93A § 9(3) (\$10,845.00), plus an additional \$1,000.00, pursuant to 15 U.S.C. § 1692k(a)(2)(A), plus costs and expenses of \$220.98 and reasonable attorney's fees of \$6,207.50, pursuant to 15 U.S.C. § 1692k(a)(3) and M.G.L. ch. 93A § 9(4).

The award is subject to interest calculated in accordance with 28 U.S.C. § 1961 from today's date until the date the judgment is paid.

Any previous judgments in this case are null and void.

Dated: _____

Entered: _____

Joseph L. Tauro
United States District Judge